

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ASTUTE IMAGING LLC,

Plaintiff(s),

v.

SHOULDER INNOVATIONS INC et
al.,

Defendant(s).

CASE NO.

2:23-cv-01097-MJP

ORDER REGARDING INITIAL
DISCLOSURES, JOINT STATUS
REPORT, AND
EARLY SETTLEMENT

I. INITIAL SCHEDULING DATES

The Court sets the following dates for initial disclosure and submission of the
Joint Status Report and Discovery Plan:

Deadline for FRCP 26(f) Conference: 11/22/2023

Initial Disclosures Pursuant to FRCP 26(a)(1): 11/29/2023

Combined Joint Status Report and Discovery
Plan as Required by FRCP 26(f)
and Local Civil Rule 26(f): 12/6/2023

The deadlines above may be extended only by the Court. Any request for an
extension should be made by email to Grant Cogswell, Courtroom Deputy, at
grant_cogswell@wawd.uscourts.gov. If Defendants have appeared, the parties are
directed to meet and to confer before contacting the Court to request an extension.

If this case involves claims which are exempt from the requirements of FRCP
26(a) and 26(f), please notify Grant Cogswell, Courtroom Deputy, by email at
grant_cogswell@wawd.uscourts.gov.

II. JOINT STATUS REPORT & DISCOVERY PLAN

All counsel and any pro se parties are directed to confer and provide the Court with a combined Joint Status Report and Discovery Plan (the "Report") by December 6, 2023. This conference shall be by direct and personal communication, whether that be a face-to-face meeting or a telephonic conference. The Report will be used in setting a schedule for the prompt completion of the case. It must contain the following information by corresponding paragraph numbers:

1. A statement of the nature and complexity of the case.
2. A proposed deadline for the joining of additional parties.
3. The parties have the right to consent to assignment of this case to a full time United States Magistrate Judge, pursuant to 28 U.S.C. §636(c) and Local Rule MJR 13 to conduct all proceedings. The Western District of Washington assigns a wide range of cases to Magistrate Judges. The Magistrate Judges of this district thus have significant experience in all types of civil matters filed in our court. Additional information about our district's Magistrate Judges can be found at www.wawd.uscourts.gov. The parties should indicate whether they agree that the Honorable Michelle L. Peterson may conduct all proceedings including trial and the entry of judgment. When responding to this question, the parties should only respond "yes" or "no." Individual party responses should not be provided. A "yes" response should be indicated only if parties consent. Otherwise, a "no" response should be provided.

4. A discovery plan that states, by corresponding paragraph letters (A, B, etc.), the parties' views and proposals on all items in Fed. R. Civ. P. 26(f)(3), which includes the following topics:

(A) initial disclosures;

(B) subjects, timing, and potential phasing of discovery;

(C) electronically stored information;

1 (D) privilege issues;

2 (E) proposed limitations on discovery; and

3 (F) the need for any discovery related orders.

4 5. The parties' views, proposals, and agreements, by corresponding paragraph
5 letters (A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1), which includes
6 the following topics:

7 (A) prompt case resolution;

8 (B) alternative dispute resolution;

9 (C) related cases;

10 (D) discovery management;

11 (E) anticipated discovery sought;

12 (F) phasing motions;

13 (G) preservation of discoverable information;

14 (H) privilege issues;

15 (I) Model Protocol for Discovery of ESI; and;

16 (J) alternatives to Model Protocol.

17 6. The date by which discovery can be completed.

18 7. Whether the case should be bifurcated by trying the liability issues before
19 the damages issues, or bifurcated in any other way.

20 8. Whether the pretrial statements and pretrial order called for by Local Civil
21 Rules 16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part
22 for the sake of economy.

23 9. Any other suggestions for shortening or simplifying the case.

24 10. The date the case will be ready for trial. The Court expects that most civil
25 cases will be ready for trial within a year after filing the Joint Status Report and
26 Discovery Plan.

1 11. Whether the trial will be jury or non-jury.

2 12. The number of trial days required.

3 13. The names, addresses, and telephone numbers of all trial counsel.

4 14. The dates on which the trial counsel may have complications to be
5 considered in setting a trial date.

6 15. If, on the due date of the Report, all defendant(s) or respondents(s) have not
7 been served, counsel for the plaintiff shall advise the Court when service will be
8 effected, why it was not made earlier, and shall provide a proposed schedule for the
9 required FRCP 26(f) conference and FRCP 26(a) initial disclosures.

10 16. Whether any party wishes a scheduling conference before the Court enters a
11 scheduling order in the case.

12 17. List the date(s) that each and every nongovernmental corporate party filed
13 its disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Rule 7.1.

14 If the parties are unable to agree to any part of the Report, they may answer in
15 separate paragraphs. No separate reports are to be filed. If the parties wish to have a
16 status conference with the Court at any time during the pendency of this action, they
17 should notify Grant Cogswell, Courtroom Deputy, by email at
18 grant_cogswell@wawd.uscourts.gov.

19 **III. PLAINTIFF'S RESPONSIBILITY**

20 This Order is issued at the outset of the case, and a copy is sent by the clerk to
21 counsel for plaintiff (or plaintiff, if pro se) and any defendants who have appeared.
22 Plaintiff's counsel (or plaintiff, if pro se) is directed to serve copies of this Order on all
23 parties who appear after this Order is filed. Such service shall be accomplished
24 within ten (10) days after each appearance. Plaintiff's counsel (or plaintiff, if pro se)
25 will be responsible for starting the communications needed to comply with this Order.
26

IV. JUDGE SPECIFIC PROCEDURAL INFORMATION

All counsel and unrepresented parties should review Judge Pechman's web page for procedural information applicable to cases before Judge Pechman. The judges' web pages, in addition to the Local Rules, Electronic Filing Procedures for Civil and Criminal Cases, court forms, instruction sheets, and General Orders, can be found on the Court's website at www.wawd.uscourts.gov.

V. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION

If settlement is achieved, counsel shall immediately notify Grant Cogswell, Courtroom Deputy, at grant_cogswell@wawd.uscourts.gov.

The parties are responsible for complying with the terms of this Order. The Court may impose sanctions on any party who fails to comply fully with this Order.

DATED: The 25th of October 2023.

s/ Marsha J. Pechman
Marsha J. Pechman
United States District Judge